

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

05 MAR 22 PM 12:25

Richard J. Klein, III,  
Petitioner,

vs.

Case No. C-1-01-794

Judge Beckwith; M.J. Black

Harold Carter, Warden,  
Respondent.

**PETITIONER'S MOTION IN RESPONSE TO "RESPONDENT'S  
MEMORANDUM OPPOSING PETITIONER'S MOTION TO STRIKE"**

On March 17, 2005, Respondent filed "Respondent's Memorandum Opposing Petitioner's Motion to Strik." (Doc. 75). Respondent falsified information in this document; therefore, Respondent's memorandum should be denied. Respondent falsely stated, that, "Respondent filed the exhibits as they were received from the State court." (Doc. 75). But, this is false. Petitioner revisited the State record by informing the State clerk of court that there was a problem with one of the documents on file. The State clerk of court sent Petitioner a copy from that file which demonstrates that the exhibit in question (R. Exhibit 36) was modified after Respondent received the case file from the State clerk of court because the copy filed by Petitioner as (P. Exhibit F) is the exact copy that the State clerk of court "reluctantly" returned. (Noting that Petitioner was unable to obtain copies at any previous time by this procedure; thus, this does not demonstrate that Petitioner ever had access to any documents from the State clerk of courts file). Nevertheless, again, Petitioner respectfully requests that this Court order Respondent to correct the record with an accurate copy due to the fact that it is Respondent's exhibit which carries the greater weight in the matter, or, that, Respondent's exhibit 36 be struck from the record as being inaccurate to prevent needless confusion and an inaccurate determination of the facts based upon the evidence provided by both parties. Respondent's resistance in this matter demonstrates continued efforts by the State's authorities to abridge and impair

Petitioner's ability to obtain an accurate and reliable determination at some stage. Therefore, since Respondent's document does not match the State record it should be removed from the record or corrected because it is not an accurate duplication of the original on file in the State record.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard J. Klein III". The signature is written in dark ink and is positioned above the printed name.

Richard J. Klein III 350-022

Petitioner/pro se

R.C.I. P.O. Box 7010

Chillicothe, Ohio 45601

CERTIFICATE OF SERVICE

Petitioner hereby certifies that a true copy of the foregoing has been served upon counsel for respondent Assistant Ohio Attorney General Diane Mallory at 150 East Gay Street Columbus, Ohio 43215 by regular U.S. mail on this 18th day of March, 2005.

A handwritten signature in cursive script, reading "Richard J. Klein III". The signature is written in dark ink and is positioned above the printed name.

Richard J. Klein III